



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

November 7, 2022

Joanna R. McKinney
Forrest Weldon Law Group, LLP
14241 North Dallas Parkway, Suite 1250
Dallas, TX 75254

Re: Freedom of Information Request EPA-2022-006534

Dear Ms. McKinney:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, perfected by the U.S. Environmental Protection Agency (EPA) on September 12, 2022, in which you requested:

1. Any and all Communications between Bayer Crop Science, Bayer AG, and/or any of their parents, subsidiaries, or affiliates (hereinafter collectively referred to as "Bayer") and the United States Environmental Protection Agency ("EPA") relating to the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel ("SAP") meeting held on or around December 13-16, 2016.

"Communications" as used herein shall refer to any oral, written, spoken, or electronic transmission of information, including but not limited to meetings, discussions, conversations, telephone calls, memoranda, letters, emails, text messages, SMS messages, any type of instant messaging irrespective of platform, postings, instructions, conferences, seminars, or any other exchange of information.

2. Any and all Communications between Monsanto Company ("Monsanto") and the United States Environmental Protection Agency ("EPA") relating to the SAP meeting held on or around December 13-16, 2016.

3. Any and all Communications between Bayer and the SAP relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.

"Roundup® Products" means any and all herbicides or pesticides containing the ingredient glyphosate and marketed and/or sold by Monsanto and/or Bayer under the name "Roundup®."

4. Any and all Communications between Monsanto and the SAP relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.

5. Any and all Communications between the EPA and any Industry Professional relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.

"Industry Professional" means any corporation or corporate representative engaged in the business of researching, testing, developing, manufacturing, selling, distributing, marketing, designing, packaging, promoting, formulating, compounding, producing, processing, assembling, and inspecting any

herbicides, glyphosate, glyphosate-containing products, and/or Roundup® Products, including but not limited to:

- a. Monsanto
- b. Donna Farmer
- c. Caroline Harris
- d. John Acquavella
- e. James Bus
- f. Joe Haseman
- g. David Kirkland
- h. Rick Reiss
- i. Nufarm Americas Inc.
- j. BASF
- k. Amechi Chukwudebe
- l. Dow AgroSciences
- m. Sabitha Papineni
- n. DuPont Crop Protection
- o. Jacob Vukich
- p. FMC Corporation
- q. Andy Hedgecock
- r. Sumitomo Chemical
- s. Robert Hamilton
- t. Syngenta Crop Protection
- u. Montague Dixon
- v. David Spak
- w. The Scotts Company
- x. Bayer
- y. Todd Rands
- z. Hakluyt & Company (including all parents, subsidiaries, and/or affiliates)

6. Any and all Communications between the EPA and any Regulatory Body relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.

“Regulatory Body” means any government agency that is responsible for regulating any aspect of human or corporate activity, including but not limited to:

- a. The European Food Safety Authority
- b. The German Federal Institute for Risk Assessment
- c. The United States Department of Agriculture
- d. Health Canada
- e. The European Chemicals Agency
- f. The Australian Pesticides and Veterinary Medicines Authority
- g. The New Zealand Environmental Protection Authority
- h. The Rural Development Administration
- i. Brazilian Health Regulatory Agency
- j. Food Safety Commission of Japan

7. Any and all Communications between any Legislator and the EPA relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.

The term “Legislator” includes, without limitation, elected officials or any representative of any elected official within the United States House of Representatives, the United States Senate, and/or the United States Congress.

8. Any and all Communications between any Lobbyist and the EPA relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.

The term “Lobbyist” means any organization or representative of an organization that exists for the purpose of lawfully attempting to influence the actions, policies, or decisions of government officials, including without limitation, advocacy organizations, trade associations, professional membership organizations, think tanks, and activist groups, including but not limited to:

- a. CropLife America
- b. Steven Levine
- c. James S. Bus
- d. Center for Regulatory Effectiveness
- e. Scott Slaughter
- f. American Soybean Association
- g. Kevin Hoyer
- h. National Corn Growers Association
- i. Martin Barbe
- j. American Sugarbeet Growers Association
- k. Luther Markwart
- l. American Council on Science and Health
- m. Pharmaceutical Research and Manufacturers of America
- n. American Tort Reform Association
- o. Atlantic Legal Fund
- p. Lawyers for Civil Justice
- q. Product Liability Advisory Council, Inc.
- r. Retail Litigation Center, Inc.
- s. Washington Legal Foundation
- t. United States Chamber of Commerce
- u. Todd Rands
- v. Hakluyt & Company (including all parents, subsidiaries, and/or affiliates)

9. Any and all Documents provided by Monsanto to the EPA and/or the SAP relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.

The term “Document” as used herein includes, without limitation, any handwritten, typewritten, printed, transcribed, impressed, reported, recorded or graphic matter, or other physical or tangible embodiment of communication, however produced or reproduced, now or at any time in your possession, custody or control, including all correspondence, letters, reports, telegrams, facsimiles, telexes, cables, telephone records and notations, electronic mail, summaries, statistical statements, financial work papers, analytical records of consultants, forecasts, bills, invoices, ledgers, journals, log books, informal books of records and account, bulletins, directives, instructions, reports, notes, minutes, notebooks, drafts, work sheets, contracts, agreements, circulars, appraisals, photographs, books, articles, memoranda or other memorialization of conversations or communications, diaries, personnel records, affidavits, briefs, pleadings, charts, drawings, graphs, and other writings, including drafts of the foregoing upon which notations in writing have been made which do not appear on the originals, computer-readable media, magnetic tapes, discs, and data cells. A document is deemed to be in your control if you are able to and/or have the right to secure the document or a copy thereof from a person or public or private entity having actual physical possession thereof.

10. Any and all Documents provided by Bayer to the EPA and/or the SAP relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.

11. Any and all Documents reflecting, evidencing, referring to, or relating to any and all research or studies provided by Monsanto to the EPA and/or the SAP relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.
12. Any and all Documents reflecting, evidencing, referring to, or relating to any and all research or studies provided by Bayer to the EPA and/or the SAP relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.
13. Any and all Documents reflecting, evidencing, referring to, or relating to any and all funding or monetary contributions from Monsanto to the EPA and/or the SAP from January 1, 1974 to the present.
14. Any and all Documents reflecting, evidencing, referring to, or relating to any and all funding or monetary contributions from Bayer to the EPA and/or the SAP from January 1, 1974 to the present.
15. From January 1, 1974 to the present, Documents sufficient to show on a monthly, quarterly, or annual basis the amount of funding provided to the EPA, the sources of that funding, either directly or indirectly, and the amounts paid by each such source.
16. Any and all Communications between the EPA and Monsanto relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.
17. Any and all Communications between the EPA and Bayer relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.
18. Any and all Documents reflecting, evidencing, referring to, or relating to the EPA's decision to not conduct a registration review of Roundup® Products from January 1, 1974 to the present.
19. Any and all Documents reflecting, evidencing, referring to, or relating to the EPA's decision to not conduct a registration review of any glyphosate-based herbicide or pesticide from January 1, 1974 to the present.
20. Any and all Documents reflecting, evidencing, referring to, or relating to the policies, procedures, and/or guidelines implemented by the EPA for the purpose of conducting or to be followed in conducting a registration review from January 1, 1974 to the present.
21. Any and all Documents reflecting, evidencing, referring to, or relating to the policies, procedures, and/or guidelines implemented by the EPA for the purpose of conducting or to be followed in making a human health risk assessment of glyphosate, Roundup® Products, and/or any glyphosate-based herbicide or pesticide.
22. Any and all Documents reflecting, evidencing, referring to, or relating to the EPA's response to the United States Court of Appeals for the Ninth Circuit's June 17, 2022 decision vacating the human health portion of the Interim Decision on glyphosate. See *Nat. Res. Def. Council v. United States Env't Prot. Agency*, 38 F.4th 34 (9th Cir. 2022).
23. All pleadings, briefs, documents, discovery, and/or other materials filed and/or served in the following matters: *Natural Resources Defense Council v. U.S. Environmental Protection Agency*, Cause No. 20-70787, in the United States Court of Appeals for the Ninth Circuit, and *Rural Coalition v. U.S. Environmental Protection Agency*, Cause No. 20-70801, in the United States Court of Appeals for the Ninth Circuit.

24. All deposition videos and transcripts, including any exhibits thereto, of any testimony given during the course of the following matters: Natural Resources Defense Council v. U.S. Environmental Protection Agency, Cause No. 20-70787, in the United States Court of Appeals for the Ninth Circuit, and Rural Coalition v. U.S. Environmental Protection Agency, Cause No. 20-70801, in the United States Court of Appeals for the Ninth Circuit.
25. All Documents and Communications between the EPA and any Intervener to the following matters: Natural Resources Defense Council v. U.S. Environmental Protection Agency, Cause No. 20-70787, in the United States Court of Appeals for the Ninth Circuit, and Rural Coalition v. U.S. Environmental Protection Agency, Cause No. 20-70801, in the United States Court of Appeals for the Ninth Circuit.
26. All internal Documents and Communications relating to the Glyphosate Issue Paper titled Evaluation of Carcinogenic Potential issued by the EPA's Office of Pesticide Programs dated September 12, 2016, including but not limited to any Documents and/or Communications reflecting any disagreement by anyone within the EPA, the Office of Research and Development, and/or the Office of Pesticide Programs regarding the content of the paper.
27. All Documents and Communications between the EPA and the Office of Research and Development relating to the Glyphosate Issue Paper titled Evaluation of Carcinogenic Potential issued by the EPA's Office of Pesticide Programs dated September 12, 2016, before and after its issuance.
28. All Documents and Communications between the EPA and the Office of Pesticide Programs relating to the Glyphosate Issue Paper titled Evaluation of Carcinogenic Potential issued by the EPA's Office of Pesticide Programs dated September 12, 2016, before and after its issuance.
29. All Documents and Communications to or from Jess Rowland relating to glyphosate, Roundup® Products, and/or any glyphosate-based herbicides or pesticides, including but not limited to any Documents and Communications between Jess Rowland and Monsanto.
30. Any and all Documents considered, reviewed and/or relied upon by the EPA in drafting the December 12, 2017 Glyphosate Human Health Risk Assessment.
31. Any and all Documents considered, reviewed, and/or relied upon by the EPA in drafting the January 2020 Interim Registration Review Decision on glyphosate (case number 0178).
32. Any and all Communications between the EPA and the SAP relating to glyphosate and/or Roundup® Products for the period of January 1, 2015, through the present.
33. Any and all Documents provided by the EPA to the SAP relating to glyphosate and/or Roundup® Products for the period of January 1, 2015, through the present.
34. Any and all Documents provided by the SAP to the EPA relating to glyphosate and/or Roundup® Products for the period of January 1, 2015, through the present.
35. All Documents, including but not limited to any published and unpublished studies or letters provided to the SAP for purposes of answering the Charge Questions submitted to the SAP by the EPA in relation to the December 13-16, 2016 meeting of the SAP to review the EPA's evaluation of the carcinogenic potential of glyphosate.

36. Documents sufficient to identify each EPA scientist that has participated in any determination regarding the carcinogenic potential of glyphosate.

37. All Documents provided to the EPA for review relating to any determination of the carcinogenic potential of glyphosate.

38. All video recordings, transcripts, presentation slides, and exhibits, including but not limited to the video recordings of the proceedings, from the December 13-16, 2016 meeting of the SAP to review the EPA's evaluation of the carcinogenic potential of glyphosate.

39. Any and all Documents reflecting, evidencing, referring to, or relating to the EPA's decision to not test Roundup® Products from January 1, 1974 to the present.

40. Any and all Documents reflecting, evidencing, referring to, or relating to the EPA's decision to not test any glyphosate-based herbicide or pesticide products as formulated from January 1, 1974 to the present.

In accordance with 5 U.S.C. § 552(a)(6)(B), and pursuant to 40 C.F.R. § 2.104(d), an extension of time is necessary to respond to your request. Based on the scope of your request, we anticipate that the response will require a significant amount of EPA's resources and time to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

Given this unusual circumstance, our response to this request requires additional time. We estimate completion by November 7, 2023. If you would like to limit the scope of your request, modify the request, or arrange an alternative time frame for processing, please contact me by email at klosterman.tracey@epa.gov. (8:00 a.m. to 4:30 p.m.). Please refer to the above FOIA identifier number when contacting me about this request.

For further assistance you may contact EPA's FOIA Public Liaisons. The Liaisons report to the Chief FOIA Officer and serve as supervisory officials to whom a requester can raise concerns about the service the requester has received. FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes. You may contact EPA's FOIA Public Liaison at hq.foia@epa.gov or 202-566-1667.

Additionally, you may contact the Office of Government Information Services (OGIS) for dispute resolution assistance. OGIS serves as a bridge between requesters and agencies, particularly in situations where clear, direct communication has been lacking. You can reach OGIS by email at ogis@nara.gov, by phone at 1-877-684-6448, or by fax at (202) 741-5769.

Sincerely,



Tracey Klosterman
Public Information and Records Integrity Branch
Communication Services and Information Division
Office of Program Support